

(Translation of the Office Action)

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Notice of Reasons for Refusal

Application No.: Japanese Patent Application No. 542102/2004

Date: April 9, 2009

Examiner: Hidemasa YAMAMURA 3744 3N00

Applicant's representative: Mr. Hajime Takashima

Applied provisions: Article 29 (2) and Article 36
of the Patent Law

This patent application is to be refused for the following reasons. If you have opinions, you are requested to file a written opinion within 3 months from the mailing date of this notice.

Reasons

[Reason 1]

The present invention cannot be patented according to the provision of Article 29(2) of the Patent Law, because the invention claimed in the following claims could have been made with ease before the filing of the present application by those having ordinary skill in the art pertaining to the technical field of the present invention, based on the inventions described in the following publications distributed in Japan or in a foreign country or available to public on electrical line before filing of the present application.

Note (cited references are shown in the List of Cited References)

- Claims 1-21 and 24-27
- References 1 and 2
- Remarks

As to the cited reference 1, please refer to the technical idea that the cutter 8A corresponding to "projection" according

to the present invention is moved to the predetermined position by the pedestal 17 corresponding to "engaging means" according to the present invention, and opens the film container 5 corresponding to "compartment" according to the present invention (refer, for example, to Figs. 1 to 4 and the like).

As to the cited reference 2, please refer to the example in which the opening of the first container 2 corresponding to "container" according to the present invention is provided with the second container 9 corresponding to "compartment" according to the present invention (refer, for example, to Figs. 1 to 4 and the like).

Since the inventions described in the cited references 1 and 2 are common in the point that they are the container for mixing two materials, it is not deemed that it is peculiarly hard to derive the invention defining matter of the inventions according to claims 1-21, and 24-27, from the inventions described in the cited references 1 and 2.

In this case, since the same technical idea as the present invention (the technical idea that "projection" is moved to the predetermined position by "engaging means", and opens "compartment") is disclosed in the cited reference 1 as mentioned above, the invention defining matter of the inventions according to claims 2-21 and 24-27 is only a slight difference in the specifying means for solving the problem, and would accordingly have to be said the design matter which those skilled in the art can appropriately design as occasion demands.

- Claims 22 and 23
- References 1 and 3
- Remarks

As to the recognition of the cited reference 1, please refer to the description mentioned above.

As to the cited reference 3, please refer to the technical idea that the second container 6 is opened by removing the lid member 10 (refer, for example, to Fig. 3 and the like).

Accordingly, it is not deemed that it is peculiarly hard to derive the invention defining matter of the inventions according to claims 22 and 23, by applying the technical idea described in the cited reference 3 to the invention described in the cited reference 1 so as to achieve the structure in which the compartment in the lid is opened by removing the lid.

[Reason 2]

The claims of this application do not satisfy the requirements according to the provision of Article 36(6)(ii) of the Patent Law on the points mentioned below.

Note

- Claims 6-10, 15-20 and 24-27
- Remarks

Since claim 6 describes "the engaging means is a protrusion", and claim 6 depends on claim 1, it is unclear whether "protrusion" described in claim 6 is the same as "projection" in claim 1 or different therefrom.

Accordingly, the inventions according to claims 6-10, 15-20 and 24-27 are indefinite.

List of Cited References

1. International Publication No. WO98/03265
2. Microfilm of Japanese Application for Utility Model Registration No. S63-058314 (JP-U-H01-161479)
3. CD-ROM of Japanese Application for Utility Model Registration No. H05-042303 (JP-U-H07-011543)

Record of search of prior art references

- Field searched IPC B65D 51/28
 B65D 25/08
 B65D 81/32
 B65D 47/32

B65D 47/36

• Prior art references

International Publication No. WO2004/033336 (Please refer to the Search Report.)

JP-A-H06-080166 (Please refer to the arrangement of the projection portion 25 for unsealing in Figs. 1 to 6.)

This record of search of prior art references does not constitute the reasons for refusal.

In addition;

- (1) When the specification or claims are amended, portion(s) rewritten due to the amendment should be underlined (Regulations under the Patent Law, Form No. 13, Note 6).
- (2) An amendment must be made within the scope of the matters disclosed in the original specification, claims or figures or within the scope of the matters obvious therefrom. When an amendment is made, in the argument, the reason that the amendment is legal should be asserted for each amendment while the part of the original specification or the like which describes the ground of amendment is clearly shown (for the form of the argument, please refer to the form of the request for correction in the trial for invalidation).

If you have any questions with regard to this Notice of Reasons for Refusal or desire to have an interview, please contact me at the following number:

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